

018-7111/992457

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DB STRUCTURED PRODUCTS, INC.,	:	07 Civ. 4119 (DCL)(KNF)
	:	ECF case
Plaintiff,	:	
– against –	:	
LENDER LTD.,	:	STATEMENT OF MATERIAL
	:	FACTS NOT AT ISSUE
Defendant/Third-Party Plaintiff,	:	PURSUANT TO LOCAL CIVIL
	:	RULE 56.1
– against –	:	
CML DIRECT, INC. d/b/a CREATIVE	:	
MORTGAGE LENDING,	:	
	:	
Third-Party Defendant.	:	
-----X		

Third-party defendant CML Direct, Inc. (“CML Direct”) states that there is no issue to be tried as to the following material facts:

1. CML Direct, which does business under the trade name “Creative Mortgage lending”, is a Michigan corporation having its offices at 26555 Evergreen Rd., Suite 810, Southfield, Michigan 48076. Declaration of John Sanger dated March 12, 2008 (“Sanger Dec.”),

¶ 2.

2. CML Direct has no office location other than the foregoing. Sanger Dec., ¶ 2.

3. CML Direct is licensed as a mortgage banker in Michigan, and is licensed to lend in Florida, Indiana, Michigan and South Carolina. Sanger Dec., ¶ 3.

4. CML Direct has never been licensed to lend or do any business in any other states. Sanger Dec., ¶ 3.

5. CML Direct is not registered, and has never applied to be registered, with the New York Department of State or the New York Department of Banking. Sanger Dec., ¶ 4.

6. CML Direct does not lend in New York, and has never made loans in New York. Sanger Dec., ¶ 5.

7. CML Direct does no business in New York. Sanger Dec., ¶ 6.

8. CML Direct has never done business in New York. Sanger Dec., ¶ 6.

9. CML Direct has no employees in New York. Sanger Dec., ¶ 7.

10. CML Direct has never had employees in New York. Sanger Dec., ¶ 7.

11. CML Direct derives no revenue from business done with customers in New York. Sanger Dec., ¶ 8.

12. CML Direct does not have a New York telephone number or a New York telephone directory listing. Sanger Dec., ¶ 9.

13. CML Direct neither owns nor leases real or personal property in New York. Sanger Dec., ¶ 10.

14. The Assignment and Assumption Agreement of January 16, 2007 between Lender Ltd. and CML Direct was negotiated and signed in Michigan. Sanger Dec., ¶ 11.

Dated: New York, NY
March 13, 2008

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CML DIRECT, INC..

/S/

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